

## Department of Homeland Security

## §316.2

liability for, service in the Armed Forces of the United States.

### §315.4 Exemption treaties.

(a) The following countries currently have effective treaties providing reciprocal exemption of aliens from military service:

Argentina (Art. X, 10 Stat. 1005, 1009, effective 1853)  
Austria (Art. VI, 47 Stat. 1876, 1880, effective 1928)  
China (Art. XIV, 63 Stat. 1299, 1311, effective 1946)  
Costa Rica (Art. IX, 10 Stat. 916, 921, effective 1851)  
Estonia (Art. VI, 44 Stat. 2379, 2381, effective 1925)  
Honduras (Art. VI, 45 Stat. 2618, 2622, effective 1927)  
Ireland (Art. III, 1 US 785, 789, effective 1950)  
Italy (Art. XIII, 63 Stat. 2255, 2272, effective 1948)  
Latvia (Art. VI, 45 Stat. 2641, 2643, effective 1928)  
Liberia (Art. VI, 54 Stat. 1739, 1742, effective 1938)  
Norway (Art. VI, 47 Stat. 2135, 2139, effective 1928)  
Paraguay (Art. XI, 12 Stat. 1091, 1096, effective 1859)  
Spain (Art. V, 33 Stat. 2105, 2108, effective 1902)  
Switzerland (Art. II, 11 Stat. 587, 589, effective 1850)  
Yugoslavia (Serbia) (Art. IV, 22 Stat. 963, 964, effective 1881)

(b) The following countries previously had treaties providing for reciprocal exemption of aliens from military service:

El Salvador (Art. VI, 46 Stat. 2817, 2821, effective 1926 to February 8, 1958)  
Germany (Art. VI, 44 Stat. 2132, 2136, effective 1923 to June 2, 1954)  
Hungary (Art. VI, 44 Stat. 2441, 2445, effective 1925 to July 5, 1952)  
Thailand (Siam) (Art. 1, 53 Stat. 1731, 1732, effective 1937 to June 8, 1968)

## PART 316—GENERAL REQUIREMENTS FOR NATURALIZATION

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AUTHORITY: 8 U.S.C. 1103, 1181, 1182, 1443, 1447; 8 CFR part 2.

SOURCE: 56 FR 50484, Oct. 7, 1991, unless otherwise noted.

### §316.1 Definitions.

As used in this part:

*Application* means the form specified in §499.1 of this chapter on which an applicant requests consideration for naturalization.

*Service district* means the geographical area over which an office of the Immigration and Naturalization Service has jurisdiction, as defined in §100.4 of this chapter.

### §316.2 Eligibility.

(a) *General.* Except as otherwise provided in this chapter, to be eligible for naturalization, an alien must establish that he or she:

(1) Is at least 18 years of age;

(2) Has been lawfully admitted as a permanent resident of the United States;

(3) Has resided continuously within the United States, as defined under §316.5, for a period of at least five years after having been lawfully admitted for permanent residence;

(4) Has been physically present in the United States for at least 30 months of the five years preceding the date of filing the application;

(5) Immediately preceding the filing of an application, or immediately preceding the examination on the application if the application was filed early pursuant to section 334(a) of the Act and the three month period falls within the required period of residence under section 316(a) or 319(a) of the Act, has resided, as defined under §316.5, for at least three months in a State or Service district having jurisdiction over the applicant's actual place of residence,